

IN RE: APPEAL OF THE HUMANE SOCIETY OF BERKS COUNTY RELATIVE TO A PROPERTY LOCATED AT 1801 NORTH 11TH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2019-13 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 10th day of July, 2019, a hearing having been held on June 12, 2019, upon the application of the Humane Society of Berks County, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. The Applicant is the Humane Society of Berks County, with a mailing address of 1729 North 11th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 1801 N. 11th Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the M-C Manufacturing Commercial Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant was represented by Elizabeth Magovern, Esquire.
5. Applicant’s testimony was presented by Applicant’s Chief Executive Officer, Karel Minor, and William Meister, professional architect.
6. Applicant seeks a dimensional variance for a modification to the existing building located on the Subject Property which will encroach into the front yard setback.

7. The Zoning Board previously granted Applicant a special exception in 2013 for a new construction project which included the expansion of the total building area, a variance to reduce the required number of off-street parking spaces, and relief from certain setback requirements (Appeal 2013-08, June 12, 2013).

8. The Zoning Board finds the expansion project approved in 2013 was not constructed.

9. On March 20, 2019, Applicant submitted a zoning permit application seeking to expand the existing two-story structure while continuing the existing use as a kennel with veterinary offices.

10. Applicant's zoning permit application was denied because the expansion would encroach into the front yard setback along Bern Street.

11. Applicant testified the proposed use will not be a detriment to the health, safety and welfare of the neighborhood and the Board finds this as a fact.

DISCUSSION

Applicant proposes an expansion of the building at the Subject Property which will encroach into the front yard setback. The proposed use should not be a detriment to the health, safety and welfare of the neighborhood or neighboring properties.

CONCLUSIONS OF LAW

1. The Applicant is the Humane Society of Berks County.

2. The Subject Property is located at 1801 North 11th Street, City of Reading, Berks County, Pennsylvania.

3. The Subject Property is located in the M-C Manufacturing Commercial Zoning District.

4. Applicant seeks a variance to encroach into the front yard setback to expand its existing structure.

5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.

6. In order to grant the relief, the Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is hereby granted the relief requested to encroach into the front yard setback at the Subject Property.

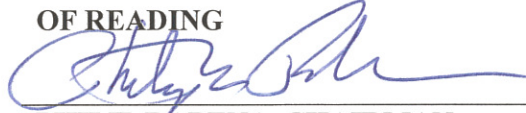
b. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

c. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

d. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0.

**ZONING HEARING BOARD OF THE CITY
OF READING**



PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE



JARED BARCZ